

TOWN MANAGER
Ken Deal

TOWN CLERK
Pamela Mills

TOWN ATTORNEY
Tom Brooke



MAYOR
Don Bringle

TOWN COUNCIL
Brandon Linn
Charles Seaford
Steve Stroud
Mike Upright
Lee Withers

TOWN OF CHINA GROVE

ORDINANCE PROHIBITING SMOKING IN ALL TOWN-OWNED BUILDINGS AND PARKS

WHEREAS, according to the Centers for Disease Control and Prevention (CDC) , tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation; and

WHEREAS, in 2006 a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. The report stated that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers; and

WHEREAS, tobacco is a recognized carcinogen in humans and health risks associated with use of tobacco products include myocardial infarction, stroke, and adverse reproductive outcomes; and

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity (such as sitting next to someone on a park bench, or children accompanying a smoking parent or guardian); and

WHEREAS, on January 2, 2010 “An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment”, North Carolina Session Law 2009-27 became effective, authorizing local governments to adopt and enforce ordinances “that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places”; and

WHEREAS, the Town of China Grove is committed to providing a safe and healthy environment in all Town facilities for its employees and the public

NOW, THEREFORE, BE IT ORDAINED by the Town of China Grove, that the use of tobacco products that is intended to be smoked in a cigarette, cigar, pipe, e-cigarette, or other smoking devices, is hereby prohibited in all Town-owned buildings and park grounds. Any person who continues to use products in a nonsmoking area in violation of this ordinance despite notice by the person in charge of the building or area that use of tobacco products is not permitted is guilty of an infraction and will be liable for a fine of not more than \$50.00.

Adopted, this 3rd day of November 2015.

333 N. Main Street, China Grove, NC 28023 | Phone (704) 857-2466 | Fax (704) 855-1855

The Town of China Grove does not discriminate on the basis of age, sex, religion, national origin, disability, political affiliation or marital status.

Donald E. Bringle, Mayor

ATTEST:

Pamela L. Mills, Town Clerk

POLICY STATEMENT:

A. Definitions:

1. Local government-owned buildings and parks – A building or park owned, leased as lessor, or the area leased as lessee and occupied by a local government.
2. Smoking – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.
3. E-cigarette – Any electronic oral device that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

B. Areas in which Smoking and Tobacco Use is Prohibited

Smoking of tobacco products is prohibited:

1. In any local government-owned building or park owned, leased, occupied, or operated by the Town of China Grove.

C. Signage:

1. Persons in charge of buildings or grounds identified in Section B shall post signs at all entrances and exits explaining the prohibition of tobacco use.
2. Signs must state that tobacco use is prohibited and the sign must include the international “No Smoking” symbol (which consists of a pictorial representation of a burning cigarette and e-cigarette product enclosed in a red circle with a red bar across it).
3. Signs must be of sufficient size to be clearly legible to a person of normal vision throughout the areas they are intended to mark, be conspicuously posted and must not be obscured in any way.

D. Enforcement and Penalties:

1. Violations by employees – Employees who violate this ordinance shall be subject to sanctions consistent with the Town of China Grove Personnel Policy.
2. Violations by other persons – Any person who, following oral or written notice by the person in charge of the area or the person's designee continues to smoke in an area where smoking is prohibited by Section B commits an infraction. Pursuant to Section 130A-498(c1) of the North Carolina General Statutes, the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00) and may not be assessed court costs. Conviction of an infraction under this section has no consequence other than payment of a penalty.
3. Any amendments to the enforcement or penalty provisions listed in NC G.S. 130A-498(c1) apply to this ordinance.